

REMARKS

Claims 21-30, 32, 33, 35-38, 41, and 42 are pending in the application. Claims 21 and 23 were rejected under 35 USC 102(e) as being anticipated by US patent 6,813,532 (Eryurek).

Claims 22-30, 32, 33, 35-38, 41, and 42 were rejected under 35 USC 103(a) as being unpatentable over Eryurek in view of US patent application publication 2003/0061323 (East).

Claim 30 is amended herein to improve its formal grammar. No new matter is added. Claims 21-30, 32, 33, 35-38, 41, and 42 are presented for examination. Applicants' paragraph numbers mentioned below are relative to the substitute specification.

Specification

While preparing this response, Applicants noticed that numerals 12 and 13 of FIG 1 were not entered in the specification. This has been corrected herein by inserting "12" and "13" into paragraph [0016] where they are first described.

Response to rejections under 35 USC 102:

In the advisory action, Examiner holds that user interface routine 58 of Eryurek corresponds to Applicants' second interface to the applications. Applicants' second interface 13 is part of a first mechanism 6 in the server 2 for feeding data of the automation devices 5 into the server 2 via the communication channel 8. It is an interface between the applications 3 and the communications channel 8 via the first mechanism 6.

In contrast, the user interface routine 58 of Eryurek provides a graphical user interface (GUI) between a user and the applications (Eryurek col. 26, lines 23 - 28, and FIGs 1, 2, 13 and others). A GUI 58 is completely different functionally from Applicants' second interface routine 13, and is also in a different position in the system schematically and physically. Eryurek's user interface routines 58 are stored and executed in the clients (Eryurek col. 10, lines 38 - 67, and FIGs 1 and 2), rather than in the server as with Applicants' second interface 13.

Thus, a user interface routine 58 of Eryurek cannot correspond to Applicants' second interface routine as described and claimed.

On page 4 of the office action of 07-25-2007, Examiner identifies in Eryurek a corresponding "first mechanism" (elements 900A-903A) and a "second mechanism" (element 914). Examiner then identifies in the first mechanism of Eryurek a corresponding second interface to the applications (col. 35, lines 56- 63 and col. 36, lines 10-13). However, these lines of Eryurek describe processors 914, which Examiner holds to be the second mechanism, and are not part of the first mechanism (900A-903A), so the correspondence does not hold. In fact, the first and second mechanisms of Eryurek are remote from each other (FIGs 32 and 33).

Applicants' amendment of the independent claims 21 and 30 on 09-25-2007 locates the first mechanism 6 of Applicant in the server 2, and the second mechanism 7 in the client 4. This is supported by FIGs 1 and 2 and paragraph 16, lines 16-26. This configuration allows the server 2 to manage the first mechanism 6 centrally, and limits the responsibility of each client 4 to local duties of linking applications to the automation devices 5. This configuration is reversed in Eryurek, in which the first mechanism 900A-903A is in the respective client plant 901-903, and the second mechanism 914 is in the server 910. Applicants' configuration is more efficient because the server 2 can control communications with the applications 3 centrally where the applications 3 can be commonly supported, while the clients 4 are limited to interfacing with local automation devices 5 that are particular to each plant or client.

Response to rejections under 35 USC 103:

The above arguments apply to claims 21 and 30 under 35 USC 103 as well, since the Examiner's proposed combination with East in the office action of 07-25-2007 does not address the above 35 USC 102 issues.

Regarding independent claim 30: On page 12 of the office action of 07-25-2007, Examiner identifies in Eryurek a corresponding "second mechanism" (FIG 1, element 32), a "first mechanism" (FIG 1, element 50, and a communication channel (FIG 32, the connections between 902A-904A and 910)). Examiner then identifies in the first mechanism 50 of Eryurek a second interface 914 to the applications (col. 35, lines 56, 63 and col. 36, lines 10-13 and FIG 33, element 914). However, the first mechanism 50 of Eryurek is in the client plant (FIG 1),

while the second interface 914 is in the remote server 910 (FIGs 32, 33), which is not part of the first mechanism 50. Thus the correspondence does not hold. In fact, the first mechanism 50 and the second interface 914 of Eryurek are remote from each other (FIGs 32 and 33).

Applicants' amendment of claim 30 on 09-25-2007 locates the first mechanism 6 of Applicant in the server 2, and the second mechanism 7 in the client 4, as supported by FIGs 1 and 2 and paragraph 16, lines 16-26. This configuration allows the server 2 to manage the first mechanism 6 centrally, and limits the responsibility of each client 4 to local duties of linking applications to the automation devices 5. According to Examiner's correspondence in claim 30, both the first and second mechanisms 50, 32 of Eryurek are in the client plant 10, 900-903, while the second interface 914 of the first mechanism is in a central server 910. Applicants' configuration is more efficient because the server 2 can control communications with the applications 3 centrally, where a single set of applications can be commonly supported, while the local clients 4 are limited to interfacing with local automation devices that are particular to each plant or client. The Examiner's proposed combination with East does not address the above issues.

Conclusion

For anticipation under 35 U.S.C. 102, a reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as recited in the claim, and the elements must be arranged as required by the claim (MPEP §2131). These criteria are not met by Eryurek, as argued above. Accordingly, Applicants request reconsideration and withdrawal of the 35 USC 102 rejections. For obviousness to occur under 35 USC 103, any modification needed for anticipation must be suggested by the prior art, not by the Applicants' invention, it must work, and it must produce the Applicants' invention. These criteria are not met because East does not address the deficiencies of Eryurek for the independent claims 21 and 30 as argued above. The dependent claims should be allowable as depending from an allowable claim. Therefore the Applicant feels this application is in condition for allowance, which is respectfully requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 11/26/07

By: 

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830